



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Takaaki Tokura, *et al.*  
Application No.: 10/667,451  
Filed: September 23, 2003  
For: CONTROL APPARATUS AND METHOD  
FOR AUTOMATIC TRANSMISSION  
  
Group Art Unit: 3681  
Examiner: Sherry Lynn Estremsky

**INFORMATION DISCLOSURE STATEMENT**

**Mail Stop - Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office

Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).


☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.

☒ 5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign Office Action report is attached for the Examiner's information.

- ☐ 6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
- ☐ 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
- ☐ 9. The reference(s) was/were cited by or submitted to the Office in parent application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
- ☐ 10. English-language Abstracts of the non-English language references are attached hereto.
- ☒ 11. Other. Concise Description of References.

Respectfully submitted,

KENYON & KENYON

  
\_\_\_\_\_  
David J. Zibelli  
Registration No. 36,394

Date: September 22, 2006

Kenyon & Kenyon LLP  
1500 K Street, N.W.  
Washington, D.C. 20005-1257  
Tele: (202) 220-4200  
Fax: (202) 220-4201  
629869

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

## **Complete if Known**

Application Number	10/667,451
Filing Date	September 23, 2003
First Named Inventor	Takaaki Tokura, <i>et al.</i>
Group Art Unit	3681
Examiner Name	Sherry Lynn Estremsky
Attorney Docket Number	10517-185

## **U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-6,594,573	7-15-2003	Rossmann, <i>et al.</i>	
		US-			
		US-			
		US-			
		US-			
		US-			

## **OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Japanese Patent Office with English Translation Thereof

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known)				
		JPA 2-308934	12-21-1990	Toyota Motor Corp.		X (Abstract)
		JPA 10-30466	2-3-1998	Jatco Corp.		X (Abstract)
		JPA 2002-31225	1-31-2002	General Motors Corp.		X (Abstract)
		JPA 2003-509643	3-11-2003	ZF Friedrichshafen AG		corresponds to USP 6,594,573
		JP 7-90719 B2	10-4-1995	Nippon Denso Co Ltd		X (Abstract)

Examiner  
Signature

Date  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## CONCISE DESCRIPTION OF REFERENCES

US Patent	File Date	Publication Date Or Issue Date	Comments
JP (A) 02-308934	May 25, 1989	Dec. 21, 1990	Already filed at the time of filing the application.
JP (A) 10-030466	Jul. 11 1996	Feb. 3, 1998	It is disclosed that when the torque-down control is executed at the shifting of gear of an automatic transmission, torque-down restore amount and the timing of restore of the torque down are controlled so that the end of the shift and the restore of the torque-down are synchronized.
JP (A) 2002-031225	Apr. 9, 2001	Jan. 31, 2002	The torque-down control is not disclosed in this Japanese patent, but the technology that the control of a vehicle is performed by using the dynamic model is disclosed.
JP (A) 2003-509643 (US 6,594,573 B1 corresponds thereto)	Sep. 2, 2000 (Sep. 2, 2000)	Mar. 11, 2003 (Jul. 15, 2003)	The torque-down control is not disclosed in this Japanese patent, but the technology that the control of a vehicle is performed by using the dynamic model is disclosed.
JP (B2) 07-90719 (JP (A) 62-085732 corresponds thereto)	Oct. 9, 1985 (Oct. 9, 1985)	Oct. 4, 1995 (Apr. 20, 1987)	The torque-down control is not disclosed in this Japanese patent, but the technology that the control of a vehicle is performed by using the dynamic model is disclosed.